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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3943 OF 1997

Atul Murlidharrao Adhaoo ... Petitioner

V/s

1. The Deputy Director,
   Vocational Education & Training
   Regional Office, Nishik.

2. The Principal,
   Industrial Training Institute,
   Satpur, Nashik. ... Respondents

Mr. N.V. Bandiwadekar for the petitioner.

Ms. P.S. Cardoze, A.G.P. for the respondents.

CORAM: S. B. MHASE &
SMT. NISHITA MHATRE, JJ.

DATED: 5TH MARCH, 2007.

ORAL JUDGMENT (PER MHASE, J.):

1. Heard both sides.

2. The petitioner has approached to this Court under Art. 227 of the Constitution of India seeking directions to quash and set aside the impugned order dated 14.8.1997 in the Original Application No. 502 of 1997 passed by the Maharashtra Administrative Tribunal, Mumbai (in short "M.A.T.").

3. The factual matrix are like this - The petitioner has passed 12th Standard examination with Maths and Science subjects. He has further possessed the qualification of I.T.I. Electronics Course in the year 1991, N.C.T.V.T. Course in Electronics Trade, Radio and Television Course and also the Advanced Vocational Training System Course. Initially, he was appointed on 5.12.1992 by the respondent, the Principal, I.T.I., Dist. Nashik as a Craft Instructor (Electronics) on temporary basis for a period of three months. Then again he was appointed on 14.3.1993 for a period of two months. On 2.6.1993 he was appointed on a temporary/ad-hoc basis with a direction of the M.A.T. that he will continue in service till duly selected candidate from the Selection Board is available.

4. The petitioner was removed from the service and, therefore, the petitioner filed the Original Application No. 502 of 1997 before the M.A.T. The said matter was heard by the M.A.T. and since the petitioner is an ad-hoc appointee, the post was to be filled in by the Selection Board by virtue of the Tribunal’s order O.A. 415/93. The petitioner has not been called for an interview by the Selection Board. The petitioner has sought for relief for staying the interview on the

ground that his services will be terminated on the appointment of a regular candidate and since there was no substance in the application, it was dismissed. The said order was challenged by the petitioner by filing the writ petition.

5. At the time of admission of the petition, this Court issued Rule on 1.9.1997 and granted an ad-interim relief in terms of prayer clause (e) and since then the petitioner is in service.

6. We need not enter into the merit of the matter at this juncture, because from the reply affidavit filed on behalf of the State by one Mr. Sase, Assistant Director (Class-A), Office of the Deputy Director, Vocational Education and Training, Regional Office, Nashik, it is revealed that the services of the petitioner have been regularized with effect from 8.3.1999. Thus the petitioner is working on regular basis from the said date. Though services were regularized in view of the Government Resolutions dated 8.3.1999 and 19.3.1999, the power to regularize the services of the ad-hoc employee is with the Government and the Government has exercised that power and has regularized the services of the petitioner. The learned counsel for the petitioner Mr. Bandiwadekar tried to persuade us that the services

should have been regularized with effect from the date of appointment. However, we are not inclined to accept the said submission. In the matters of the ad-hoc employees and regularization, what should be the criteria and what should be the date of regularization, how much service should be completed prior to the regularization of ad-hoc post, is the matter to be considered by the State Government and the State Government has absolute discretion in the matter. In exercise of the said discretion as above, the services of the petitioner have been regularized and, therefore, we do not find any substance in the submission advanced by learned counsel Mr. Bandiwadekar. Except this submission, no other submission was made before us.

7. We do not find any substance in the petition. Writ Petition is hereby rejected.

(SMT. NISHITA MHATRE, J.) (S.B. MHASE, J.)